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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,488	01/09/2002	HirotaKa Nakano	1907-0206P	3283

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EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2615

DATE MAILED: 06/09/2003

9

Please find below and/or attached an Office communication concerning this application or proceeding.

17

**Office Action Summary**

Application No.

10/040,488

Applicant(s)

NAKANO ET AL. 

Examiner

HUY T NGUYEN

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2002.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 14-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All   b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 08/508,077.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                  | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 15 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The specification does not describe "the coded video data stored is composed by replacing frames of the received coded video data with the corresponding frames of the re-encoded video data generated by the video generating portion at an arbitrary interval" as being recited in claim 15. It is noted that the coded data and re-encoded data are separately stored on the medium.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States

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only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 14 and 15 are rejected under 35 U.S.C. 102(e) as being anticipated by Naimpally (5,589,993).

Regarding claims 14 and 15, Naimpally discloses an apparatus (Fig. 3) for perform a method of distributing coded video data comprising the steps of:

generating (314) a second coded video data by re-encoding a first coded video data (column 5, lines 8-14), storing the first coded video data and the second coded video data; transmitting the first coded video data or the second coded video data over the communication channel, wherein the stored first coded data and the stored second coded data are separate from and independent of one another (Fig. 6).

Further for claim 15, Naimpally further teaches that the coded video data stored is composed by first coded data and re-encoded data and the re-encoded video data generated by the video generating portion at an arbitrary interval since only intra frame coding used to produce intra frames from coded data.

5. Claims 14 –15 are rejected under 35 U.S.C. 102(e) as being anticipated by Yoo et al (5,897,219)

Regarding claims 14 and 15, Yoo discloses an apparatus (Fig. 6) for perform a method of distributing coded video data comprising the steps of:

generating (213) a second coded video data by re-encoding a first coded video data (column 3, line 60 to column 4, line 34) and storing the first coded video data and the second coded video data; transmitting the first coded video data or the second

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coded video data over the communication channel, wherein the stored first coded data and the stored second coded data are separate from and independent of one another since the second coded data and first coded data is multiplexed and stored on a digital medium.

Further for claim 15, Yoo the re-encoded video data generated by the video generating portion at an arbitrary interval since Yoo teaches that the first coded data and second coded data are multiplexed and the interval of second coded data is selected.

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoo et al in view of Aoki (5,267,094).

Regarding claim 16, Yoo teaches video storage and communication device (Fig. 6) used for a video information communication system to distribute video data to a terminal set connected with a communication channel, the communication device comprising:

a receiving means for receiving the first coded video data (compressed video data

a video generating portion (213) for generating a second coded video data different from the first coded video data by re-encoding the first coded video data storage portion(column 3, line 60 to column 4, line 34); and

a video control portion for selecting the first coded video data as it is, or to direct the video generating portion to generate the second coded video data by reading the first coded video data (column 3, line 60 to column 4, line 34).

Yoo fails to teaches using a video storage portion for storing first coded data. However, it is noted that using a storage medium for storing the coded data is well known in the art as taught by Aoki . Aoki teaches apparatus having a storage portion for storing the coded data and a reproducing means for reproducing the code data and then the reproduced coded data is selected and re encoded (fig. 1). Therefore, it would have been obvious to one of ordinary skill in the art to modify Yoo by using a medium for storing the coded data to preserve the coded data for later uses.

Regarding claim 17, Yoo further teaches that the video generating portion generates the second coded video data having a reduced number of video frames compared with the first coded video data since the second coded data comprises only intra frame coded data .

8. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoo et al in view of Aoki (5,267,094) as applied to claims 16-17 above, further in view of Normile et al (5,212,742).

Regarding claim 18, Yoo as modified with Aoki fails to teach the use of an encoder for encoding the restored coded data into inter frames . However, it is noted

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that using a encoder for encoding video signal into inter-frames is well know in the art as taught by Normile et al (Figs. 1,3 column 7) . Therefore it would have been obvious to one of ordinary skill in the art to use an encoder as taught by Normile for encoding the restored coded data into inter-frame coded data thereby reducing redundant data of the video signal .

Regarding claim 19, Yoo further teaches a re-encoding portion for still picture encoding since the re-encoded data represents for I frames and an I frame considered as a still picture .

9. Claims 16-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naimpally et al in view of Aoki (5,267,094).

Regarding claim 16, Naimpally teaches video storage and communication device (Fig. 3) used for a video information communication system to distribute video data to a terminal set connected with a communication channel, the communication device comprising:

a receiving means for receiving coded video data (compressed video data );  
and

a video generating portion (310, 314) for generating a second coded video data different from the first coded video data by re-encoding the restored first coded video data (column 5, lines 8-14).

Naimpally fails to teaches using a video storage portion for storing first coded data However, it is noted that using a storage medium for storing the coded data is well known in the art as taught by Aoki (Fig. 1) . Aoki teaches apparatus having a storage

portion for storing the coded data and a reproducing means for reproducing the code data from the storage portion . The reproduced coded data is then selected and re encoded . Therefore, it would have been obvious to one of ordinary skill in the art to modify Naimpally with the teaching of Aoki by using a medium for storing the coded data to preserve the coded data for later uses and selecting the reproduced coded data to be re- encoded for further uses .

Regarding claim 17, Naimpally further teaches that the video generating portion generates the second coded video data having a reduced number of video frames compared with the first coded video data since the second coded data comprises only intra frame coded data derived from the received coded data .

10. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Naimpally in view of Aoki (5,267,094) as applied to claims 16-17 above, further in view of Normile et al (5,212,742).

Regarding claim 18, Naimpally as modified with Aoki fails to teaches the use of an encoder for inter frame encoding the restored coded data . However, it is noted that using a encoder for encoding video signal into inter frames is well know in the art as taught by Normile et al (Figs. 1,3 and column 7) . Normile teaches an encoding means for encoding video signal into inter frames Therefore it would have been obvious to one of ordinary skill in the art to use an encoder as taught by Normile for encoding the restored coded data into inter-frame coded data thereby reducing redundant data of the video signal .



Regarding claim 19, Naimpally further teaches a re-encoding portion for still picture encoding since the re-encoded data represents for I frames and a I frame considered as a still picture .

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T NGUYEN whose telephone number is (703) 305-4775. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Christensen can be reached on (703) 308-9644. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to 2600 TECH CENTER customer service office whose telephone number is (703) 306-0377.

  
HUY NGUYEN  
PRIMARY EXAMINER

H.N  
May 31, 2003